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Gorgias here. In *Str.* vii. 3. 20 the same antithesis is fused with a reminiscence of *Republic* x. 617e: *ἐλεῖται δὲ ὁ δυνάμενος καὶ ὁ βουλευθεὶς ισχύσει*.¹ If we bear in mind that Clement twice draws upon II Timothy, chapter 2, in this discussion, the second time immediately before our quotation, and that the fifth verse of that chapter runs thus, *ἐὰν δὲ καὶ ἀθλῇ τις, οὐ στεφανοῦται ἐὰν μὴ νομίμως ἀθλήσῃ*, it is enough, in default of definite evidence, to suppose that the word *ἀγώνισμα* suggested another similitude for the life of the gnostic.

Clement, then, takes an arrow from the sophist's own quiver to enforce the claim of his *σοφία* against vain strivings with words; and the adaptation has its peculiar felicity because Gorgias himself, in breaking away from the traditional *σοφία*, had compared his art to that of Oedipus. Even if the presence of *αἰνιγμα* did not compel us to see an allusion to the story of Oedipus here, the argument gains in coherence if we suppose that the contrast between the true and the false *σοφία* is carried through by such a reference to an older claim.

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DEMOSTHENES AGAINST BOEOTUS I (xxxix). 37-38

Blass regarded these sections as an afterthought, awkwardly interpolated by the orator after the delivery of the speech; consequently he enclosed them in double parentheses, together with a later allusion to their contents (41). His reasons for refusing to give them their traditional place in the text are twofold: "Dies Stück wird ganz abgerissen eingeführt, und 39 schliesst sich genau an 36 an, nicht aber an 38. Die §38 erwähnte Thatsache trat erst nach dem Schiedsgericht, also kurz vor der Gerichtsverhandlung ein" (*Att. Bered.*, III [1893], i, 476, n. 1). Paley and Sandys of course follow Blass in their critical notation of the passage, since they have adopted the Dindorf-Blass text for the convenience of students. However, the inclusion of Blass's argument without comment in the explanatory notes indicates concurrence in his judgment. We must regard the passage as under suspicion.

To begin with the second objection, it is difficult to see why matters that took place after the arbitration, and consequently, as Blass puts it, shortly before the trial, might not have formed part of the address to the court. Blass perhaps had in mind the rule that only those facts that are introduced in evidence at the arbitration may be introduced at the trial on appeal. If so, the words "also kurz vor der Gerichtsverhandlung" are quite beside the point. In any case, the argument seems to be founded on a fundamental misconception of the procedure involved in the *μὴ οὔσα δίκη*, which leads Blass to assume that the filing of Boeotus' petition brought the case directly before a dicastic court, just as if an appeal had been taken.

¹ *ἐλεῖται* (Bywater); *ισχύσει* (Stählin) for MS *ισχύει*.

But it is distinctly stated by the lexicographers that, when the petition was filed, the case was begun again *de novo* and sent back to the arbitrator (Poll. 8. 60: *καὶ ἡ ἐρήμη ἐλήνετο ὡς ἐξ ἀρχῆς ἐλθεῖν ἐπὶ διαιτητήν. Lex. Cantabr., s.v., μὴ οὐσα δίκη: ὥστε ἐξ ὑπαρχῆς ἀκέραιον αὐτοῖς καθίστασθαι τὸν ἀγῶνα*). That this procedure was followed in the present instance is shown by a passage in which the speaker excuses himself for not presenting evidence to prove one of his assertions on the ground that the occurrences described took place *σεσημασμένων ἤδη . . . τῶν ἐχίνων* (17). As I have noted elsewhere (*Class. Phil.*, XIV, 28), this expression indicates that the arbitration was completed and the case appealed in the usual way, for Aristotle's account of the procedure in arbitration shows conclusively that the sealing of documents takes place only if one of the litigants has appealed from the award (*Cons. Ath.* 53. 2). The act mentioned in 38, the filing of the petition, cannot then be described as having taken place, as Blass puts it, after the arbitration and shortly before the trial. It took place after the award by default, but before the second arbitration which followed the reopening of the suit. The documents read by the clerk apparently formed part of the evidence presented at the second arbitration, were put under seal after an appeal had been taken, and could be brought before the court in its review of the case with entire propriety.

Inasmuch as the objections having to do with procedure are seen to be unsound, those founded on the arrangement of the argument might fairly be passed over. No scholar, however eminent he may be, should be conceded the right to strike out or stigmatize portions of a text where the manuscripts are in agreement merely because the arrangement is, in his opinion, not consecutive. In the present instance, however, even this criticism is not well founded. The thought of 39 may not follow directly upon that of 38, but it is the development of one of the topics proposed in 37. There the speaker states that he has still to show, not only that the dicasts will be true to their oath as judges if they decide in his favor, but also that the defendant himself, by his very acts, has confessed that Boeotus is his rightful name. He then goes on to describe these acts and to establish them by documentary evidence, reserving the more general topic first proposed, which is a commonplace of the courts, for the peroration that is to follow the reading of the evidence. We need not seek to justify this order by pointing out that it is rather unusual to end a court speech with the reading of evidence. The habit of stating two or more topics and then elaborating them in reverse order has been a natural and common one from Homer down (for examples from Homer, see Bassett *Harv. Stud.*, XXXI [1920], 39-53). We perhaps catch a glimpse of the psychology that underlies this arrangement from Renan's list of saints in his *Souvenirs*, in which his eponymous saint, of whom he is going to talk, is reserved for the last place.

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